IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 194 of 2006 (M/B)

Sri Umesh Chandra Pant,
S/o Late Maj. B.D. Pant,
H.No. 6/590 Pandey Niwas,
Talla Gorakhpur, Kaladhungi Road,
Haldwani, Nainital, Uttaranchal. …….. Petitioner

Versus

Union of India,
through Secretary,
Ministry of Defence and others. ……. Respondents

Mr. I.S. Mehra, Advocate for the petitioner.

JUDGMENT

Coram: Hon. Rajeev Gupta, C.J.
Hon. P.C. Pant, J.

RAJEEV GUPTA, C.J. (Oral)

The petitioner has filed this writ petition for the following reliefs:

> "i. Issue a suitable writ, order or direction in the nature of mandamus directing the respondent no. 4 and 5 PCDA(P) Allahabad to furnish authenticated detailed report before this Hon'ble High Court, "whether any pension arrears in the name of Smt. Tika Devi W/o late SS-4155 Major B.D. Pant were paid during the period 1996 to 2002. OR Allow the investigating police officer to inquire and inspect all pension related registers, paper and documents of each concerning section of PCDA(P) of the period 1996 to 2002, to complete the investigation of criminal case no. 5113/03 PS Haldwani (Nainital).
>
> ii. issue a suitable writ, order or direction in the nature of mandamus commanding /directing the respondent no. 4 and 5 PCDA(P) Allahabad to decide the representation of petitioner dated 14.4.2004 (Annexure no. 8 of W.P.) within stipulated time.
>
> iii. issue a suitable writ, order or direction in the nature of mandamus commanding/ directing the respondent no. 4 ad 5 PCDA(P) Allahabad to start the process of sanctioning /recommending/granting the pension in the name of late SS-4155 Major Bansi Dhar Pant as per existing rules w.e.f. 6.11.1955 to 16.4.1970 and thereafter family pension in the name of NOK Smt. Tika Devi w.e.f. 16.4.70 to 20.8.2000, and arrears of

pension to be paid to the legal heirs of late SS-4155 Major B.D. Pant and late Smt. Tika Devi.

iv. issue any other further order of direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. Admittedly, the petitioner's father retired in the year 1955 and expired sometime in the year 1970. The petitioner has not annexed with the petition any correspondence made by his father during the period between 1955 to 1970 in regard to the non-receipt of pension. We further gather from the letter dated 05.10.2004 (marked as Annexure 10) that the petitioner's father rendered service only for 13 years an as such, he was not entitled to any pension. When the petitioner's father was not entitled to get any pension, question of grant of any family pension to the petitioner's mother, who too expired much before the filing of the writ petition, does not arise.

3. In this view of the matter, we do not find any ground for grant of any of the above reliefs claimed by the petitioner in the writ petition.

4. The writ petition, therefore, fails and is, hereby, dismissed.

(P.C. Pant, J.) **(Rajeev Gupta, C.J.)**
25.02.2006 **25.02.2006**

G